REMARKS

Claims 1-49 are pending in this application, of which Claims 13-35 have been withdrawn. Claims 1, 6 and 36 are independent. Claims 1-12 and 36-49 have been rejected. These rejections are respectfully traversed and reconsideration is requested.

Rejections Under 35 U.S.C. § 112

Claims 1-12 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is traversed and reconsideration is requested. The Examiner has stated that the limitation of "transmitting a first portion of the payload data over the first traffic channel to the base station transceiver and transmitting a second portion of the payload data over a second traffic channel to the base station transceiver" is not supported by the Specification as originally filed because "the specification does not reasonably convey to one skilled in the art, that the payload being transmitted in two separate portion [sic] at two different interval of times." The Applicants respectfully disagree.

The Specification as originally filed discusses using multiple traffic channels to transmit payload data. Such language is used throughout the application (p. 2, ll. 9-13, pp. 3-6, throughout). Furthermore, Fig. 2 illustrates having multiple traffic channels, both to transmit data from wireless access device to the base station (channels 203) and from the base station to the wireless access device (channels 206). A person skilled in the art would reasonably conclude from these descriptions and figures that the payload is being sent using multiple traffic channels and, therefore, that portions of it may be sent using different channels, because otherwise there would be no reason for having more than one traffic channel. Therefore, the limitation of having multiple traffic channels and using them to transmit the payload, while possibly splitting the payload between the channels, is supported in the original application as filed and the rejection should be withdrawn.

As to the Examiner's statement that the Specification does not show portions of the payload being transferred during different time intervals, that feature is not found in any of the claims, nor do the Applicants mean to imply it anywhere because it may be advantageous to transmit multiple portions of the payload at the same time, using the multiple traffic channel. The steps of the method claims are not limited to being performed at different times.

Rejections Under 35 U.S.C. § 103

Claims 1-12, 36-43 and 49 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (US 6,438,119) in view of Jawanda (US 6,243,581). This rejection is respectfully traversed and reconsideration is requested.

According to Claim 1, multiple traffic channels are used to transmit the payload data over the wireless communication link, such that a first portion of the payload data is transmitted over a first traffic channel and a second portion of the payload data is transmitted over a second traffic channel. None of the cited references teach or suggest these aspects of the invention, nor do they teach its advantages over the prior art. Moreover, the cited references do not disclose a system or method for assigning multiple traffic channels at the same time. Thus, it is respectfully submitted that the invention as recited in the amended claims includes a limitation not taught or disclosed by any of the references.

Kim teaches a communication system in which a dedicated control channel is provided for communicating control messages between a base station and a mobile station (Abstract, lines 1-3). When a mobile station generates a control message for requesting allocation of a single reverse packet traffic channel, the base station generates a control message for allocating the reverse packet traffic channel, after which the base station and the mobile station transition to the active state where the packet traffic channel is allocated to communicate the packet data. When transmission of the packet data is complete, the mobile station generates a control message for requesting release of the reverse packet traffic channel (column 10, lines 5-18 and 30-38). After the traffic channel is deallocated, the system transitions to the control hold mode, from which it can re-transition to the active mode with one traffic channel if a new payload is received.

Kim, therefore, does not teach assigning multiple traffic channels and sending a portion of the payload over a first traffic channel while another portion of the payload is being sent by a second channel. The communication of Kim in the active mode takes place over a single traffic channel. Furthermore, there is no indication in Kim that multiple traffic channels may be assigned at the same time.

Jawanda teaches a mobile computer system capable of seamless roaming between wireless communication networks (Abstract, lines 1-3). While Jawanda does describe simultaneous wireless connections with multiple wireless communication networks, Jawanda

does not teach or suggest using multiple traffic channels between a pair of the subscriber and base station nodes. Furthermore, Jawanda does not teach how such a communication is to be achieved, instead, relying on the methods of wireless communication known in the art (column 2, lines 56-63). Therefore, Jawanda does not supplement Kim's omission to teach multiple simultaneous traffic channels.

The Examiner has stated that Kim teaches multiple traffic channels used to transmit the payload data because Kim shows a base station requesting supplemental channels to transmit a packet of data to the base station. The Applicants respectfully disagree. Kim explicitly states that a control channel is used to request a single traffic channel to transmit the payload data (col. 10, ll. 4-55). A control channel is not a traffic channel and, therefore, Kim does not teach or suggest using multiple traffic channels. Throughout the descriptions, Kim uses a singular version of "traffic channel" and never suggests that there may be more than one traffic channel used to transmit the payload data.

As to the Examiner's statement that the Applicants cannot show non-obviousness by attacking references individually where the rejections are based on a combination of references, the Applicants respectfully submit that they have not attempted to do so. Instead, the Applicants have shown that neither of the references individually, nor the combination of them, show a particular feature claimed in the present claims – that is, using multiple traffic channels to transmit the payload data. It is well accepted that for a claim to be rendered obvious, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488, 20USPQ2d 1438 (Fed.Cir. 1991).

The cited references, therefore, separately or combination with each other, do not show a wireless communication architecture in which multiple traffic channels are used simultaneously to transmit portions of the payload. Therefore, independent claims 1, 6, and 36 are not obvious in view of the combination of Kim and Jawanda. Dependent claims 2-5, 7-12, 37-43 and 49 are dependent on the corresponding independent claims and are not obvious in view of Kim and Jawanda for at least the same reasons as above.

Rejection Under 35 U.S.C. § 102

Claims 34-38 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kim. This rejection is respectfully traversed and reconsideration is requested.

As discussed above, Kim does not teach or suggest simultaneously using multiple traffic channels. Amended claim 44 recites assigning multiple traffic channels and transmitting a data payload over these assigned multiple traffic channels. Therefore, independent claim 44 is not anticipated by Kim and the rejection should be withdrawn. Dependent claims 45-47 and independent claim 48 recite the same limitation of using multiple traffic channels and, therefore, are not anticipated by Kim for at least the same reasons as above. All claims are now believed to be in condition for allowance.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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